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November 13, 2000

FILE: 4200.000200



CERTIFICATE OF MAILING
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

November 13, 2000

Date

Shelley P.M. Fussey

Assistant Commissioner for Patents
Washington, DC 20231

RE: U.S. Patent Application Serial No. 08/951,188; Entitled: "P-TEFb Compositions, Methods and Screening Assays"; David Price (Client Reference: UIRF N7-20)

Sir:

Enclosed for filing in the above-referenced patent application is:

- (1) Petition Under 37 C.F.R. § 1.181 to Withdraw Finality of Third and Fourth Office Actions Under MPEP 706.07(d);
- (2) A Second Request for Refund of Improper Charge;
- (3) A check in the amount of \$130.00 to cover the required petition fee; and
- (4) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

WILLIAMS, MORGAN & AMERSON, P.C.

Assistant Commissioner for Patents

November 13, 2000

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Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4200.000200.

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Respectfully submitted,



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458

Encls.

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Shelley P.M. Fussey

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Price

Serial No.: 08/951,188

Filed: October 15, 1997

For: P-TEFb COMPOSITIONS,
METHODS AND
SCREENING ASSAYS



Group Art Unit: 1652

Examiner: P. Tung

Atty. Dkt. No.: 4200.000200

Former Dkt.: IOWA:012

SECOND REQUEST FOR REFUND OF IMPROPER CHARGE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The present document is a second request for a refund of fees that were improperly charged to the above-referenced application and improperly deducted from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4200.000200. Should the present request be denied, Applicant respectfully requests that a written answer on the merits be issued.

A first written request for refund was submitted December 22, 1999. Since that date, Applicant's representatives have held numerous teleconferences with the Office, and funds seem to have been credited and then re-deducted from the referenced deposit account. The Office has

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generally maintained that the fee deduction was proper, based on the assessment of certain claims as multiply-dependent claims. Applicant respectfully submits that there are no multiply-dependent claims pending in the present application and that the claims have been misinterpreted.

Applicant submitted to the Office on July 17, 2000 a facsimile document explaining that a proper interpretation of the claims at issue shows that they are not multiply-dependent claims.

Notably, the claims at issue are directed to different subject matter, so that they do not depend on, or further limit, any other claim. For example, a claim drawn to "a recombinant host cell" cannot depend from, or further limit, a claim drawn to "a nucleic acid molecule".

Accordingly, there are no multiply-dependent claims in the case and Applicant respectfully requests that the fees deducted on such grounds such be refunded in full. In the alternative, Applicant respectfully requests that a written answer on the merits be provided.

Should the Office have any questions, a telephone call to Applicant's undersigned representative is earnestly solicited.

Respectfully submitted,



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicant

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Date: November 13, 2000

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